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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,938	10/21/2003	Hong Li	Q77917	3199

23373 7590 06/09/2004

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,938

Applicant(s)

LI, HONG

Examiner

Lisa M. Saldano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on December 18, 2002. It is noted, however, that applicant has not filed a certified copy of the European application with claimed number 02360358.2 (EUROPE) as required by 35 U.S.C. 119(b). The priority document on file has the application number 02360361.6 (EUROPE), which was not mentioned in the applicant's claim for foreign priority.

Claim Objections

2. Claim 6 is objected to because of the following informalities:

Regarding claim 6, the applicant recites limitations directed to "the laying foundation" and "the groove filling compound." However, prior language from which the claim depends does not make prior mention of these particular limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonnet (FR-2306051-A).

Regarding claim 1, Bonnet discloses an inverted U-Section spring clip 1 or casing mounted over an electric cable 3 that resist clip retraction from the cable mounting block groove 2. The spring clip is capable of being placed into a groove formed into solid ground. The clip has the form of a three-walled casing with a top 1 and two sidewalls 4 (see Figs 1-9).

Regarding claim 2, Bonnet discloses the clip as described above wherein the clip has at least two projections 5 sticking outside and upward from each of the sidewalls 4 (see Figs. 3 and 9).

5. Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiridonov (4,166,710).

Regarding claim 1, Spiridonov discloses a device 2 installed over a pipeline for securing the conduit or pipeline 1 in a groove. The device 2 has the form of a three-walled casing with a top and two sidewalls (see Fig.1).

Regarding claim 3, Spiridonov discloses a device as described above wherein contact shoes 7,8 constitute at least two projections sticking out toward the inside space created by each sidewall.

Regarding claim 6, Spiridonov discloses a device as described above wherein the pipeline or conduit 1 is fitted in grooves located at a foundation and a filling compound fills space

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between the conduit-covering device and the interior wall of the groove (see Fig.1). It is inherent that the pipeline(s) of the Spiridonov invention constitute conduits that are used in a conduit system comprising one or more conduits.

Regarding claim 5, Spiridonov discloses a device 2 installed over a pipeline for securing the conduit or pipeline 1 in a groove. The device 2 has the form of a three-walled casing with a top and two sidewalls (see Fig.1). Spiridonov further discloses that the pipeline or conduit 1 is fitted in grooves located at a foundation and a filling compound fills space between the conduit-covering device and the interior wall of the groove (see Fig.1). It is inherent that the pipeline(s) of the Spiridonov invention constitute conduits that are used in a conduit system comprising one or more conduits. Although Spiridonov fails to explicitly disclose a method for laying cables or conduits in a groove system created into solid ground, the method is inherent in the reference. Spiridonov's disclosure and illustrations disclose the basic steps required to develop the method recited by the applicant of the present application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnet as applied to claim 1 above, and further in view of Duvall et al (5,962,809).

Bonnet discloses an inverted U-Section spring clip 1 as described above.

However, Bonnet fails to explicitly disclose that the clip is made out of hard plastic.

Duvall et al disclose an apparatus and method for protecting underground cables comprising a protective inverted U-Section channel member 20 that covers cable assembly 12. Duvall et al disclose that the channel member is made from impact resistant thermoplastic polymers (see column 4, lines 47-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to fabricate the inverted U-Section spring clip of Bonnet from hard plastic, as taught by Duvall et al, because plastics are readily available for fabrication of elongated channels such as the Bonnet invention. Furthermore, the plastic material may be formulated such that it resists impact that underground conduits and cables may be exposed to during operation in an underground environment.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fortes (2,674,857), Connonrs (5,385,430), Schlafly (3,473,339), Lhota (6,399,883) and DeMasters (5,642,964) disclose features that are pertinent to the present application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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